



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBaal – Deputy County Attorney

DATE: August 6, 2020

SUBJECT: Release of Emergency Access Right to Tract C, Verolago Phase 1

In 2004 a Developer's Agreement was entered into with regard to site access and stormwater management improvements for North Lakes Subdivision, now known and platted as the Verolago development. A requirement in that agreement was that an emergency access off of 58th Avenue was to be located near the southern corner of the site, and that access, together with the 57th Street access, was sufficient to allow the development to proceed to full use and occupancy. The agreement further stated that when the bridge over the North Relief Canal was constructed and when the segment of 53rd Street between the southern entrance and 58th Avenue is in service, that the emergency access may be abandoned.

In 2005, the plat of Verolago Phase 1 was recorded in Plat Book 20, Page 17 of the Public Records of Indian River County, Florida wherein Tract C (located between Lots 19 and 20 and abutting the east right-of-way of 58th Avenue) was earmarked as an Access Tract and dedicated in perpetuity to Verolago Homeowners Association, Inc. for ingress and egress to and from Phase 1 through Phase 5 of the Verolago development during construction, and was also dedicated for emergency ingress and egress purposes by all public authorities, including but not limited to police, fire, ambulance, Indian River County Mosquito Control District and utility providers, with the perpetual maintenance obligation lying with Verolago Homeowners Association, Inc.

Verolago Homeowners Association, Inc. ("Association") has made application for administrative approval to construct a wall within Tract C of Verolago Phase 1, and has provided documentation whereby the Association has abandoned its access right to Tract C. Before the application can be approved, however, it will be necessary for the County to abandon/release its emergency ingress and egress right to the tract.

ANALYSIS

Since the bridge over the Main Relief Canal is constructed and the segment of 53rd Street between the southern entrance and 58th Avenue is in service, a second access point into the development has been afforded, thus the right to Tract C for emergency ingress and egress is no longer needed and can be abandoned/released, however the underlying utility easements and limited access easements within Tract C should continue to remain in place.

FUNDING

The only cost associated with this item is for recording the Release of Emergency Access Right which is in the amount of \$18.50. Funds are budgeted and available in Account No. 00110214-034830 (General Fund/County Attorney/Recording Fees).

RECOMMENDATION

Staff recommends approval of the Release of only the emergency access right to Tract C and requests the Board authorize the Chairman to execute same for recordation in the Public Records of Indian River County, Florida.

/nhm
attachment

cc: John P. Carrigan, Esq. (attorney for Verolago
Homeowners Association, Inc.)